

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

Crystal Good, et al.

Plaintiffs,

v.

**American Water Works Company, Inc.,
et al.**

Defendants.

**Case No. 2:14-CV-01374
Hon. John T. Copenhaver**

Consolidated with:

**Case No. 2:14-11011
Case No. 2:14-13164
Case No. 2:14-13454**

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFFS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Plaintiffs respectfully present this Memorandum of Law in Support of Plaintiffs' Motion for Leave to File Documents Under Seal, seeking leave to file with the Court under seal an unredacted copy of the Plaintiffs' Motion for Class Certification.

1. Plaintiffs seek to file under seal a Motion for Class Certification and Memorandum in Support of Plaintiffs' Motion for Class Certification, along with certain exhibits marked "CONFIDENTIAL" pursuant to the Revised Protective Order (ECF Doc 261).
2. Confidential information contained in and attached to the Motion and Memorandum include drawings, documents and location information marked "CONFIDENTIAL" by the West Virginia Bureau of Public Health (WVBPH). This information relates to the locations, distances and connections of certain pipes and water company facilities which WVBPH feels could be of use to any entity intending to harm the safety of the

area's water supply. Plaintiffs do not object to the continued confidentiality of these documents.

3. Pursuant to the Revised Protective Order (ECF Doc 261), Plaintiffs submitted the pleadings and exhibits at issue to counsel for WVAW and AWWSC, as well as counsel for the WVBPH on May 1, 2015, seeking to reach agreement as to precisely which information should be redacted.
4. After two weeks, agreement was reached as to the extent of the redactions required to protect the interests of both WVAW/AWWSC and the WVBPH.
5. Confidential information contained in and attached to the Motion and Memorandum also includes certain information marked "CONFIDENTIAL" by Eastman.
6. Pursuant to the Revised Protective Order (ECF. Doc 261), Plaintiffs also submitted the pleadings and exhibits at issue to Counsel for Eastman on July 2, 2015, asking that Eastman waive any restrictions on open filing that may apply, and asking that Eastman waive any restriction on open filing to all exhibits to the depositions at issue.
7. Counsel for Eastman has not responded to Plaintiffs' request as of July 6, 2015.

Therefore Plaintiffs proceed under the assumption that Eastman does not agree to waive confidentiality of this information. Plaintiffs intend to present the issue of the unsealing of this information to the Court for resolution, pursuant to the Revised Protective Order.
8. Undersigned counsel filed a redacted copy of the Motion for Class Certification and Memorandum in Support of Plaintiffs' Motion for Class Certification on July 6, 2015.

9. Such filing of the redacted copy was done in accordance with Federal Rule of Civil Procedure 5.2 and the terms of this Honorable Court's Revised Protective Order entered on February 18, 2015. (ECF Doc. 261).
10. Federal Rule of Civil Procedure 5.2(f) allows a party to file under seal with the Court an unredacted copy of that which was filed with redactions.
11. An unredacted copy of that which is sought to be filed under seal must be provided in hard copy to the presiding judicial officer pursuant to Rule 12.3 of the Administrative Procedures for Electronic Case Filing.
12. An unredacted copy of that which is sought to be filed under seal will be served upon opposing counsel representing WVAV, AWWSC, American Water Works Company, Inc., Gary Southern, Dennis Farrell and Eastman Chemical Company in the traditional manner pursuant to Administrative Procedures for Electronic Case Filing Rule 12.6.4.

WHEREFORE, Plaintiffs hereby respectfully move this Honorable Court for an Order granting leave to the Plaintiffs to file under seal with the Court an unredacted copy of the same as allowed under Federal Rule of Civil Procedure 5.2(f). Further, Plaintiffs move this Honorable Court to seal any Orders corresponding to this motion pursuant to Administrative Procedures for Electronic Case Filing Rule 12.6.5.

Respectfully submitted,

Interim Class Counsel for the Plaintiffs:

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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs hereby certifies that on **July 6, 2015**, the foregoing ***“Plaintiffs’ Memorandum of Law in Support of Plaintiffs’ Motion for Leave to File Documents Under Seal”*** was served on all counsel of record through the CM/ECF system which will send notification of the filing to all counsel of record.

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